

REMARKS

In applicant's Request for Reconsideration filed May 31, 2006, an extension of term for response of one month, from May 8 to June 8, to the pending final rejection mailed Feb. 8, 2006, was requested along with payment of \$60 for the extension fee. A further extension, to July 8, 2006, is herewith requested. A check for the additional fee of \$165 (\$225-\$60) is attached.

Herein, it is proposed, as suggested by the Examiner, to combine the subject matter of claim 2 with that of claim 1.

In a telephone call on June 23, 2006, the Examiner advised that claim 8 is allowable. Accordingly, entry of the present amendment will place the application in condition for allowance and such entry is requested.

While the application is now understood to be allowable, applicant does not wish to appear to ratify, by silence, certain comments by the Examiner believed to be incorrect.

Thus, the Examiner argues that, at the moment illustrated in figure 4 of Dick, the float 6 has a smaller draft than the float 5. However, no such conclusion can be drawn from figure 4. The draft of a vessel is the depth of water needed to float it. If the vessel is bobbing up and down, the "draft" does not change even though the submerged depth of the vessel changes from moment to moment.

The situation is not unlike weighing an object using a spring scale. If the object is bobbing up and down, as occurs during initial hanging of the object from the scale spring, the indicated weight changes from instant to instant. But, clearly, the varying instantaneous weights indicated for the bobbing object are not the true weight which is directly indicated only when the object is stationary.

Similarly, the instantaneous submerged depth of a bobbing vessel is not

indicative of the “draft” of the vessel which is directly evident only when the vessel is floating stationary on the water surface.

Another issue is that claim 1 specifies a flat configuration and, in consideration of this, the Examiner notes that the outer float 6 shown in figure 4 of Dick has a flat bottom. In applicant’s specification, however, at the top of page 4, it is explained that the float 100 is generally flat in “the sense of having a relatively large horizontal surface with a relatively small submerged depth”. That is, applicant’s specification defines the term “flat” in terms of the three-dimensional shape of the float, and the Examiner’s reference to the flat bottom of Dick’s float is not relevant to the claimed float configuration.

Finally, the claims clearly distinguish over Berg for the same reasons given in the amendment filed September 8, 2005 to distinguish from the Rich and Kelly patents. That is, Berg does not show or suggest two floats both of which are movable in response to passing waves. Rather, in Berg, only one of the two floats is so movable.

In any event, it is agreed that the application is in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,



Michael Y. Epstein

Reg. 21186